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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 20-cv-05640-YGR

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S MOTION FOR  
STAY OF INJUNCTION PENDING APPEAL**

The Honorable Yvonne Gonzalez Rogers

1 I, Mark A. Perry, declare as follows:

2 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP and counsel for  
3 Defendant Apple Inc. in the above-captioned action. I have personal knowledge of the matters stated  
4 herein and, if called upon to do so, I could and would testify competently hereto.

5 2. Attached as Exhibit A is a true and correct copy of a screenshot of a Tweet posted by  
6 Tim Sweeney on September 10, 2021.

7 3. Attached as Exhibit B is a true and correct copy of a screenshot of a Tweet posted by  
8 Tim Sweeney on September 11, 2021.

9 4. Attached as Exhibit C is a true and correct copy of an email Tim Sweeney sent to Phil  
10 Schiller on September 16, 2021.

11 5. Attached as Exhibit D is a true and correct copy of a letter I sent to counsel for Plaintiff  
12 Epic Games, Inc. on September 21, 2021.

13 6. Attached as Exhibit E is a true and correct copy of a press release Apple posted on its  
14 website on September 1, 2021, available at [https://www.apple.com/newsroom/2021/09/japan-fair-  
15 trade-commission-closes-app-store-investigation/](https://www.apple.com/newsroom/2021/09/japan-fair-trade-commission-closes-app-store-investigation/).

16 7. Attached as Exhibit F is a true and correct copy of an article posted on the Wired website  
17 on September 10, 2021, available at [https://www.wired.com/story/epic-leaves-big-crack-in-apple-  
18 walled-garden/](https://www.wired.com/story/epic-leaves-big-crack-in-apple-walled-garden/).

19 8. Attached as Exhibit G is a true and correct copy of an article posted by the CEO of  
20 Paddle.com on its website on October 1, 2021, available at [https://paddle.com/blog/what-epic-vs-  
21 apple-means-for-saas/](https://paddle.com/blog/what-epic-vs-apple-means-for-saas/).

22 9. Attached as Exhibit H is a true and correct copy of an article posted on The Verge on  
23 October 7, 2021, available at [https://www.theverge.com/2021/10/7/22714677/apple-in-app-payment-  
24 competitor-paddle-epic-ruling](https://www.theverge.com/2021/10/7/22714677/apple-in-app-payment-competitor-paddle-epic-ruling).

25 I declare under penalty of perjury under the laws of the United States of America that the  
26 foregoing is true and correct.

27 Executed on October 8, 2021 at Washington, D.C..  
28

By: /s/ Mark A. Perry

Mark A. Perry